

Court of Appeals, State of Michigan

ORDER

Diana Lynn Smiles v Nathaniel Spencer


Docket No. **357199**

LC No. **2002-007448-DP**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1) and MCR 7.211(E)(2), orders:

The motion to waive fees is GRANTED for this appeal only.

The claim of appeal is DISMISSED for lack of jurisdiction. MCR 7.203(A)(1); MCR 7.202(6)(a). The April 29, 2021 order denying reconsideration is not appealable by right. See *Nye v Gable, Nelson, & Murphy*, 169 Mich App 411, 415; 425 NW2d 797 (1988) (“An order denying reconsideration is not a final order appealable by right.”) Additionally, the January 7, 2021 referee’s recommended order, which denied a motion to vacate a prior child support order, and the March 1, 2021 trial court order, which adopted the referee’s recommended order, are postjudgment orders that are not appealable by right. MCR 7.203(A); MCR 7.202(6)(a). Dismissal is without prejudice to the filing of a late appeal under MCR 7.205(A)(4), provided such a filing meets all court rule requirements and is not time-barred.





A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 8, 2021

Date



Chief Clerk